

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Jason Budnik**

Case Number: **2:13CR00196**

Name of Sentencing Judicial Officer: **Honorable Kent J. Dawson**

Date of Original Sentence: **November 26, 2013**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **46 Months prison, followed by 36 Months TSR.**

Date of Prior Revocation: **June 27, 2017**

Revocation Sentence: **12 months and 1 day followed by 18 months TSR**

Date Supervision Commenced: **May 3, 2018**

Name of Assigned Judicial Officer: **Honorable Kent J. Dawson**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

A. On October 5, 2018, Budnik failed to report for drug testing at Westcare facility.

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B. On October 10, 2018, Budnik stalled while submitting a urine sample

C. On October 10, 2018, Budnik reported to the U.S. Probation Officer for purposes of submitting to a drug test. United States Probation Officer Joe Nilo administered the test and observed Budnik had a device strapped around his waist containing a plastic pouch filled with someone else's urine. Budnik turned the device over, stating he was attempting to defeat the drug test by using his friend's urine.

D. On October 10, 2018, Budnik tested positive for Amphetamines and Methamphetamines. Budnik admitted to the undersigned officer having used methamphetamine and ecstasy on October 9, 2018.

2. **Must Not Interact With Criminals - You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.**

On September 26, 2018, Budnik was contacted by Las Vegas Metropolitan gang detectives because he was observed leaving a vehicle with stolen plates that was driven by Keo Chhom, an ex-felon and documented blood gang member that had an outstanding warrant. Mr. Chhom was arrested on the outstanding warrant and Budnik was questioned and then released. Budnik did not have permission to associate with Chhom.

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U. S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked


I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **October 10, 2018**

 Donnette L. Johnson
2018.10.12 12:17:09
-07'00'

Donnette Johnson
United States Probation Officer

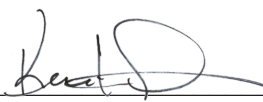
Approved:

 For Todd Fredlund
2018.10.11 10:41:33
-07'00'

Niquita Loftis
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☐ Other:



Signature of Judicial Officer

10/19/2018
Date

RE: Jason BudnikProb12C
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Rev. March 2017**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. JASON BUDNIK, 2:13CR00196**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
October 10, 2018**

On November 26, 2013, Budnik was sentenced in the District of Nevada to 46 months custody followed by 3 years supervised release for committing the offense of Felon in Possession of a Firearm. On March 15, 2017, Budnik commenced his first term of supervised release. On June 27, 2017, Budnik appeared before Your Honor on petition to revoke supervised release. Budnik was found to have violated his release conditions by committing a new law violation. Budnik was sentenced to 12 months and 1 day followed by 18 months of supervised release. On September 6, 2018, Budnik was released from state custody and reported to the U.S. Probation Office to commence his second term of supervised release.

Budnik has had an inauspicious start to supervision and has had trouble finding stable residence and employment. To provide him with assistance it was recommended he agree to a modification for placement at the Residential Reentry Center, however, Budnik refused placement. Budnik has moved a few times since the start of supervision, has changed his contact numbers several times as well, making it extremely difficult to maintain communications with him. Moreover, Budnik has been contacted and quested by law enforcement on several occasions under suspicion that he was involved in criminal activity, however no formal charges have been brought against him.

On September 26, 2018, the undersigned officer was contacted by a Las Vegas Metropolitan Police Department gang detective advising that he contacted Budnik as he was observed leaving a vehicle with stolen plates. This gang detective further advised that Budnik was seen contacting the driver of the vehicle, Keo Chhom who is a documented blood gang member and an ex-felon with an outstanding warrant. Chhom was previously supervised by our office and his supervision was revoked twice. Chhom was taken into custody and Budnik was questioned and released because he was cooperative.

As a condition of supervised release, he was ordered to participate in drug testing and a substance abuse treatment program. Budnik was immediately placed in drug testing and has been awaiting a date to start substance abuse treatment. On October 5, 2018, he failed to report for drug testing. On October 9, 2018, this officer attempted to contact him via one of the contact numbers, however, the phone belonged to a female that stated she would look for him and have him contact this officer. Budnik contacted this officer on that same date and was directed to report to the probation office to submit a urine sample and he advised he could not find his identification and had to seek transportation. Since Budnik advised he was having difficulty reporting that day, this officer directed him to report instead on October 10, 2018.


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On October 10, 2018, Budnik reported to the probation office for drug testing. U.S. Probation Officer Joe Nilo administered the test and observed Budnik using a subterfuge device. Budnik has a band strapped around his waist with a clear plastic pouch attached containing someone else's urine. Budnik admitted to making the device from a You Tube video he watched. On this same date, Budnik submitted a positive urine sample for amphetamines and methamphetamines. Budnik signed a drug admission form admitting that he did in fact knowingly use ecstasy and methamphetamine from a female that he met at the strip club.


Budnik was previously revoked for failing to comply with supervised release conditions. He continues to exhibit the same behaviors and criminal thinking even though this officer has counseled him on the negative impact these decisions will have on his life. Budnik has been contacted by law enforcement several times during the past month for suspicion of criminal activity and, although no formal criminal charges have been filed against him, he continues to be in contact with gang members and ex-felons. Budnik has moved at least 3 times in the past month and has yet to find stable housing. The undersigned respectfully requests a warrant be issued to initiate revocation proceedings. In addition, it is respectfully requested Budnik be detained pending his revocation hearing.

Respectfully submitted,

 Donnette L. Johnson
2018.10.12 12:18:51
-07'00'

Donnette Johnson
United States Probation Officer

Approved:

 Todd Fredlund
2018.10.11
10:41:53 -07'00'

Niquita Loftis
Supervisory United States Probation Officer